IN THE

SUPREME COURT OF THE UNITED STATES

1981 TERM

NO. 81 5143

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SUPREME COURT, U.S.

MILLICENT LINDEN,

Appellant,

- v -

DIAL PRESS and OLGA LEY
HARPER and ROW PUBLISHERS, INC.
ST. MARTIN'S PRESS and SIDI HESSEL

JURISDICTIONAL STATEMENT

ON APPEAL FROM THE COURT OF APPEALS

FOR THE SECOND CIRCUIT

Millicent Linden
Appellant, Pro Se
500 East 74th Street
New York, N.Y. 10021

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JURISDICTIONAL STATEMENT

Appellant appeasl from the orders of the Court of Appeals for the Second Circuit, affirming the order of the administrative Judge of the United States District Court fo the Southern District of New York, all denying appellant appeal in Forma Pauperis and hearing and new evidence in Forma Pauperis, respectively.

The Court of Appeals denial of forma pauepris and dismissal of appelant's actions are entered in the clerks' offices on the 25th of June, 1981, and the U.S. District Court: 29th of June, 1981.

The docket numbers for the Court of Appeals is as follows:

- DIAL PRESS and OLGA LEY - 81 - 7245
- HARPER & ROW PUBLISHERS - 81 - 7243
- ST. MARTIN'S PRESS et al - 81 - 7253

The index numbers fvor the U.S. Dostroct Court are as follows:

- DIAL PRESS and OLGA LEY - 81 - 1405
- HAPER & ROW PUBLISHERS - 81 - 1404
- ST. MARTIN'S PRESS et al - 81 - 1401

Copies of the above noted facts are annexed herein.

JURISDICTIONAL STATEMENT belongs in this C ourt because appellant has never been heard on any issue in any COMPLAINT in any lower court. The issues of fact are extremely serious,

so much so, that each and every life everywhere on eqrth is affected by said issues when known, comprehended and disseminated, but with denials at all stages without facts read, or heard or judged on their merits, with pre-disposed biases and prejudices helad fast and abbtinately, no one can know and beneifit from the right to know, from the legal right to be heard, and the moral right to have progressive human advaznccements to be unrestrained unduly. Certainly, the law allows for forma pauperis, that no one may denied due process, and certainly, the law allows for a litigant, a plaintiff, to rest her case, to be ruled on the issues in the COMPLLINT, and to be allowed technical evidence to support arguments, all of which were denied respectively in each of the above-ttield actions, among a host of other denials unwarranted and unjust in every resepext. This Court stands to uphold the rights of the individual, the rights of the individual plaintiff, herein, have been denied at all times, and, admittedly, on record, for pro se prejudice, for personal attachments, and for predisposed bias and belief without Ground from familiar, traditional concepts and practices without hearing new and unfamiliar concepts and practices, respectively; history is replete with the remote and unusual circumstances from which innovation appears, found to be the milestones in human advancements, culturally, industrially, etc., and in each case, it is the I N D I V I D U A L , free and unfettered who innovates and set forth original works; and, ironically, is is only becasue plaintiff is just an "INDIVIDUAL" unaffiliated, in personal appearance, that is the basis for all denials in all c ourts; it is the very heart of our laws of the land, of the aspirations of our founding fathers, the fundamental aim of our Delcaration of Indepencdence and Constitution, to protect the rights of the individual and herein it is the rights of the individual that have been violated in every respect, and it remains for this Court to hear the facts of issue in all of the original records in the lower courts; from a legal and from a human, humane and humanness standpoint, this court is obliged to appellant's JURIDISDCITONAL STATEMENT, professionally and, even, personally, in the wholesome attitude that life, one's own, as well as those to whom this court is responsible, is precious and each one has the right to know, to know new, original, proper programs.

CITATION OF OPINIONS BELOW

There are NO OPINIONS in any lower court in the instant appeal, and none ever delivered on the facts of issue at any time, and, in fact, the record shows that plaintiff-appellant's BRIEFS were not even read by the lower courts on almost all occasions, proven by the unfamiliarity of appelalnt's titles unknown to the lower court and the fact of legal right of valid ownerhsiop of oopryright submitted over and over and not known to the cbanta; judgements made were made without reference to the facts in the record and no reference to them ever made at any time by any bench. The effort at silencing and enying applellant's rights were even carried to the point of demanding remittance from appellant for defendant's demand for Examination Before Trial of astronomical and unwarranted sums by multi-million -dollar organizations from a solitary, independent innovator; thus exerting an act of cruelty upon a constructive contributor to society, known to be so when the highly/and restictive reputable and esteemed NEW YORK ACADEMY OF MEDICINE at Fifth Avenue and 103rd Street in New York City who do not accept new works lightly nor from non-medical professionals but for the contents of highly worthy attention for constructive enlightenment to all, yet the lower courts would transcend their non-professional judgements without any hearing of any of the facts in any of the COMPLAINTS, and not entering any opinion anywhere on said facts of issues at any time.

JURISDICTON

Appellant has exerted all efforts in all aveenues as required by procedure and law; appellant has been denied appeal in Forma Pauperis, new evidence allowed by law, and any hearing of the contentions where erroneous entries have been denied corections, in appeal and in Motion for Hearing on the facts. Let this Court note representstive examples of the facts of the works and the facts of issues denied in all the lower courts for no other reason than they are unfamiliar and contrary to prevailing concepts and practices, a prime element of originality.

QUESTION PRESENTED

On theoccasion of one instance where appellant and the opposition counsel appeared before Magistrate Sinclair in the U.S. District court, defense attorney stated in reply to Magistrate Sinclair's qeustion on settlement, was that no offer of settlement was made soley because plaintiff-appellant is pro se; there was an understood addmittance of violation of appellant's copyright rights, the facts plainly self-evident in the most cursory obserbation by any person; there was open admission by one bench of pro se prejudice; there has been admission on record of personal association of an intended expert witness,, and the list of events is seemingly countless of such parallel happenings to appellant's rights merely because appellant is without independent means finanacially but indpendent and constructively contributaory to society however unafiliated and promoting such constructive works on solitary afforts on nothing more than persoal convcition professional worth and abundant energy - until injured purposely due to the untraditioal original program by appellant; the questón, therefore, shal such events be permitted to continue to the detriment of the publci at large when the founding fathers foresaw such facts of society that individals innovate and promote social welfare and advanceent, that those rights granted by the founding fathers be denied for the circumstance of being independent without indpendent means and the powers formidable powers of the benches and lower courts be allowed to run rapant over t e right vof the indvidual, whose rights invade the wide fiedls of society whereinall are affected, or shall the individual innovator bave and be protected by this Court as warranted in all laws of theland and state laws as well bue denied?

CONSTITUTIONAL PROVISIONS INVOLVED

ARTICLE 1, Section 8, Clause 8

STATUTORY PROVISIONS INVOLVED

UNITES STATES CODE ANNOTATED, Title 17, Section 101

STATEMENT OF THE CASE

The foregoing, documented facts in all te records, are those of the procedureal processes, the denial of the right to be heard, denial of due process, violation of civil rights in being denied equal dispensation of the law, in beind deneid being heard, of the facts of issue ignored, of denial of forma pauerpis, of bias and prejduice against personal appearance, admiittedly in the record of transcript, in the actions of opposition counsels, and in the cruel exertion of ppowers of position upon the hapelss ec onomically deprived innovaytor, independent, free, unfettered, to innozate and punished just for being without independent means and unafilliated.

As serious and signifcant the above-cited deprivation of civil, legl, human and moral rights are, more serious and more sigificant is the drprivation of the very heart of the whole matter, the meaning to human existance and human knowledge, far beyond the right to know and theprotection of the innovator to ddisseminate the new works, maintaining their integrity and worth, in originaliyy and original worth yo all.

The heart of the whole matter is also the heart of the statgement of the case, intricately involved in the cited erprivations.

The facts take in a host of other facts of human innovation; example, there are no wheels in nature, yet mankind condiders the wheel man's greatest invention; the first source of energy is obvious and overlooked; exploration of sapce is universally accepted as the modern frontier of new worlds, while the exploration of space within the world of the individua; vehicle, the human b ody remains unnoted and unimportant in searches for solutions; the transference of immutab le principles in nature used in animated material substances is not comprehended nor considered for animate material substance as the human body, etc.

Appellant's original works, TENSION-in-REPOSE, is that void in human relevance, exploration, application and innovation of the transittance in practical form those principles without which no exploration of space beyond the earth's atmosphere could take place, why the wheel is not such a "Great invention" for human consumption,

why it leads man down the garden path to a dead end, why it does not exist in nature, what does exist that is Great and Greatest of all established techniques in nature for maximal efficienty of any object, how this affects each and every individual, that whatever the power of position and learnedness of any human being, each and every human being is sbbject to the immutable, unchanging forces in nature in the universe, that the search for solutions is limited to compelxities of details whn the G R A N D D E S I G N does begging for its simkplicity and common ground for all solutions, the Greater including the lesser, the details blending into the first force in natuee, and not blending wit out the presence of the first force, etc.

From such factors and more, inherent in appellant's original TENSION TENSION-in-REPOSE system tangible and irrefutable in conceptualzie precepts, a domino effect takes place wherein the most elusive searches find a direction and even resolution, among which is conclusive proff of Einstein's finding that there is no Gravity, that the current and counter-current of the oeceas - water and air - form that delicate balance in the universe that provides surcease for human anatomy and personality.

To cite an example of a long search, for human welfare, how the wheel is made to look utterly primitive and far from Great in its inventiveness, are obvious yet overlooked facts that pertain to the efficiency of physical performance through all ages.

It is a known fact that bones stop Grwoing at about age 20; it is a known fact that soon after the mid-section of the body in the main torso, the waistline, expands, popularly known as a "spare tire" or the "pot belly" blamed on "beer" , "food", etc; it is commonly known that human height decreases with the passing decades, and the medical records record this fact with such titles as THE BIOLOBIC AGES OF MAN, showing first stages of life, childhood, young adulthood, middle age and old age, the over-all line portraying the height of human upright stance reaching a crest and diminsihking thereafter, declining in height and efficiency; this is accepted as having to be so.

Yet, it is also known that ALL LIFT STEMS FROM THE CONCAVE CURVE; it is known that living cells that die assume a convex curve.

off, without the employment of the concave curve in deign, most well-known in jet planes, the concave curve being the common ground, master blueprint, for all other diversified designs.

No living human being ever uses the concavecurve for lift to the body which lifts the spirit, all very tangible and actual, literally and figurativ ely.

All traid tional designs, systems and programs for enhancing human anatomy is within the dying line of convex curves, that is bending bakward just at the well-known lordotice weakness of the human back only to accentuate it more and weakne it more; when the convex curve in not in play in human affairs and exhortations, straight lines from the direct command of the will and mental exertion are forced on the human bdoy.

Appellant's original TENSION-in-REPOSE DESIGNS engage the exact opposite direction, using designs that bring the body forward, having the middle of the back weakness, convex curve disappear altogehter along with the cervical convex curve, creating a smooth unbroken line wf the concave curve; the effect follows the well-known snowfalls where each designs is individual, different, diversified, yet all have in common the spiral pattern.

All traditional systems avoid the concave-spiral patterns worse than the plague - until the original, entirely idfferent deisngs originated by appellant have been seen tor produce unprecedented results from the inception of the first publication in 1961 publication WHY YOU SHOULD NOT EXERCISE sub-titled "Weightlessness For Earthlings". The PHYSICAL lift inherent in the concave curve created andunprececented buoyancy in the human body without exception and regareless of dispositon of any body, firm, infirm, whole or handicapped.

TENSION-in-REPOSE showed Einstein's finding that gravity is so weak is is non-eixstent, that what lies in the delcine of the human upright posture in later years is a matter of lack of counterpoise, of void of countercurrent as in the oceans of air and water for true, delicate balance.. The root element in the delicate balance of the T-in-R system is the fact of PRESSURE, the major factor in the constitutency of the make-up of the atom.

sithout internal, qqualized, spatial pressures to make foom for the vital orgaans and their functioninGs in the bqy, the body cannot achieve its maximal potential, not in efficiency and not in its true life-sapn, known by all professionals to be more than the current four-score, that the intrinsic bleuprint of the body is for 150.

No traditional system that engaGes the dying force of convex curves, or straiGht lines or forced exertions of the will upon the body, the body that is a produce of the millennia and the so-called "intelliGence" of homo sapiens but aone-minute old an Geologic time and cnnaot beGin to match the wisdom of the aGes in the wisdom of the Body which is a product of the aGes. The forceeful apposition of the contrived devisementments of mental andwill forced proGrams in addition to diametricLly opposite facts of nature that weaken the weak part of the body by forcinG it to move in convex backward lines and directions can never provide any remote hope for enhancancinG the body's welfare.

It is corumon practice all overyhe world and attitude that it does not matter how the body moves, al lonG as it moves; appellant's T-in-R proGram holds that it does matter how the body moves in what initial desiGn it is made to move, and that desiGn for the livinG body has an equal importance for deiGn in ono-livinG entities

All defendants herein have directly copies exactly appellant's oriGinal desiGns that are entirely contrarty to traditional practices and systems, that appellant's oriGinal desiGns and traditionals systems of desiGns and patterns are incompatible, yet, each havinG rejeceed all of appellant's oriGinal mansucirpts, have taken those same desinhs presented to them in the inteGirty of context, precepts and harmony of contents from those defndant-publishers an their authors who have deliberately placed the contradictory deiGns within the covers of the their pulciations, the leaves of their paGes facinG each other with the self-evident contrdadcitions and self-evident copyinG from appellant's oriGinal works.

In the matter of defendant Dial Press and Beck Ley, the bench had noted inpre-trial procedures that there was "similarity", in her "opinion" there was the Groos error of ascribing concave design to defendants and convex to plaintiff-appellant, and a long list of incorrect assertions not in the record, etc. yet the right to make corrections, the acknowledgement that appellant was denied the right to rest the case, have expert witnesses, technical facts, etc. were all denied and the Appeals court affirmed y e lower court and the Brief by appellant was never read in the Appeals court.

In the matter of defendant Harper & Row, appellant's initial COMPLAINT was ignored entirely, testimony was ignored entirely from the defendant's authors, from appellant's expert witness, etc. as well as denial of self-evident facts admitted to in pre-trial procedures, during which the bench was led to believe that one witness was paid by defendant, and then admitted that an expected expert was a personal friend of the bench; but all of appellant's arguments were never acknweoldged in any form.

In the matter of defendant St. Marbin's Press & Sidi Hessel, there was admittance of rejection of appellant's original manuscript, not once, but twice, def. author could not tell the direction which the nose takes in pointing towards the umbiclical center, the bench denied scientific support for appellant's arguments. etc.

The point is that no human being can be expected to absiorb and assimilate that which is entirely new, unfamiliar, not even an Einstein or da vinci couldbe expected not to judge or know without at least have the facts before them and the arguments that support them, and that time and attention is required whatever the astuteness of the individual observing and studying them, but appellant was denied all such simple, obivous, logical formats as observations, time, attention and acknwoeldgement of facts as they are presented.

New evidence which is afforded any litigant under the law was denied appellant in the matter of each of the named defendants; in the matter of Dial Pres with the G ross wrongly stated facts of concave and convex dsigns that are a matter of life and death direction to any living body, appellant was denied

record staightened when all the other avenues were denied after new evidence was denied and there was no ackwneoldgement of the denial of the right to rest the case, thus the matter was never heard at all and with the denial of new evidence and the right to make coreections of wrong assertions contrary to the record shows that appellant's rights were violated in every respect.

The bench in St. MartiN's Press matter made it emienently oovious that he was just going through motions of proecdures with a sharp cutting edge to appellant's efforts. He literally made his own statement that there is just so many designs possible in the way a body moves which is correct in terms of convex cvurves which is traiditonal in traditional systems and fadliar programs, but is not a fact in appelalNt's origiml systems and designs that engage a concave curve entirely contrary to tradditonal paractices and whthin which there are NO LIMITATIONS to designs, just as there are no two snowflakes alike of all the snowfella that ever fell or to fall yet anywhere in e world.

Appellan has had to contend with a long list of biases and prejudces, the prejduice of pro se appearance, the bias of pre-disposed motions attendant upon traidtional systems and not attendant upon appellant'soriginal designs, appellant's independent status, unaffilaiated, penniless, against the power of the multimillion dollar pbulsihers, the profit-making authors from the original works of the innovator without qualm, unabashedly stealing said works that should embarass them with their countermanding the ve ry programs they esposuse in traditional designs but having learned the commercial value of the effects of the unprecdented original works by appellant after more than 20 years of selfsustaining inherent merits of the T-in-R system, purloin the works by appellant without have any grasp or comprehension of what they have usurped.

AT no time was there ever any ground within the familiar systems or defendants' arguements for the presence of appellant's original works; none could understand, explain or justify their presenc

There is no denying the prevalent predilection of the human attitude that human intelligence sprouts an attitude of egocentricity, a result of which is thst those laws of nature that

are familiar in mechanical inventions and uses are not part of human factors of life and living within the body itself, that the human body is beyond such deviecs in nature, that the human being is not subject to the same inconrtovertible, unassialabel and unchanging princples and laws in nature, and the lower courts would not Grant appellant the civil right and the simple right to demonsrate how they work applied to human structure of the body and how they matter ina life and death direction within design.

Aopellant's first publicaton center fold displayed the soalar system, the Earth, the atom, the human body, and the wheel, the wheel in a General outline of the pattern of the solar system in that it has a center hub and spokes between the rim and nub that move without further exertion or effort, the nub the source of motion, the rim, periphery, the series of concave curve, but with the wheel it is in flat dimension, andwith the Earth and Solar system and the Atom it is three-diemsional, in perfect balance, the Earth is weightless, internal pressure in the atom equalized in the balance of the univesr, the agent to effect a vaccuum, a vacuum which is known to preserve, and the list is long of the series of domino effects when going in the right direction, the right direction being the concave curve; Chief Jus ice Olivdr Wendell Holmes stated in his writings that "DIRECTION IS 95 PERCENT OF WORK CONE, and in appellant's original works and designs, the Goodd Justice's insight and perception can be literally trnaslated, for with the concave curve, there is self-Generated movements and room for internl functionings without impeidment providing room for free movement for each organ and connections within the self-cotained form f the sphere to make complementary exchanges for harmonious unifed actions among all.

Appellant reads into Chief Holmes words the embodiment of the ppurpose of the court system and the laws therein for the promotion of human exchanges in accord with the rights of liberty in biological and human fundamentals to be free and reposnbile for one's self and for others in society. Defendants surely would deny such respoisnbility and the lower courts ceny appellant the right tobe heard for all concerned, includin. defndants' own welfare.

The forces of truth and justice, however delayed, still are mot suppressed and surface despite the deceptions by defendants.

The denial of the right to be heard by the lower courts protracts defendants' deceptions, but does not change the facts on record.

Appellant appelas to this Court on the basis of the original records wherein each and every contention made by appellant is upheld by fact, facts of issues and facts of violation of individual rights, civil rights and Constitional rights granted to the innovator.

It stands to reason that denying the indpendent indivial such rights is a loss to more than the plaintiff; it is aloss to all at large; appellant has been deli erately injuried with the cause stemming from untraditional concepts and original program T-in-R that is contrary to familiar practices, so appellant has had to undergo life-tnetning injury, puloinment of toil, blood seat and tears arduous labors without aid or assistance, living in all manner of ceprivation while defendants profit largely from appellant's works and denied justice in the courts in addition to injury, stolen works and tneir consdquences. Under such a regimenno one profits in the long run, for it means assulting and halting works of the contructive individual to the detriment of the depriver as well as the recipients.

(With th treatened postla strike for midnight today, appellant hastens to complete the instant writing as much as possible, but relies mostly on the documentef facts in the original records that support all of appellant's arguentns.)

Annexed herein are representaaive examples of appellant's works, brief description of the facts in the above-titled actions, the portent of appellant's TENSION-in-REPOSE precepts for the body and for wide fields of endeavor beyond the contemporary discoveries and beyond imaination of any fiction, adhering entirely to facts, establshed and unassociated heretorfore.

The facts of issue are every individual's resonsibility, including each of the defendants and their represnttatives. Without the focus of the reverence for life as these matters involve, no one's life can be protected properly biologically nor legally.

THE QUESTOON PRESENTED IS SUBSTANTIAL

However difficult it may seem to comprehend the arguments of the unfamiliar, the independent indep3ndent, the unaffiliated, free andunfettered innovator, there is too much that is too serious to leave any stone unturned; it is incoumbent upon this Court when all others have disregarded such funda,entals of the individual rights to be heard, to have equal dispenstion of the law, etc, as cited earlier, to take up the matters herein for everyone's sake; without doing so, neither can any memberof this Court evergain any possibility of benefitting from the unprecedonted works originated by appellant; this Court is in lieu of the dark ages practices that victimed such innovators as Galileo who was threatend with the powers of the Inquisition if he did not recant; under the circumstances, he had no choice and the life helived enabled him to make further disoveries; to deny appellant the right to her own works, from wich physical injuries have already taken place because of them, not unlike the threat to Gelileo for his untraditional presentat ons, appellant is subjected to like prctices of the dark ages and the ogotues of the Inquisiton in contempoary forms of such torments and theat to life; only appellant's own works have enavled herto ambulate at all, no medical program in existence to contend with the special circumstnaces of the two injuries and the lack of medical knowledge of the main joints of the body, the jaw joints and the pelvis with the unprecedented circumstance so childhood surgical intervtion that no professional could handle profesionally; the c hief gift of nature, da Vinci said, is the gift of liberty; the chief gift of our Constittuion is also that of liberty with the purusit of life if not happiness, to protect and preserve it; it is not wise to silence the contributor and appellant looks to this court to practice fundamentl wisdom, to let the facts be heard at last and at least.

CONCLUSION

THE FACTS OF ISSUE, THE QUESTION PRESENTED IN THIS APPEAL ARE MORE THAN SUBSTANTIAL: THEY ARE FORMIDABLE AND SIGNFICANT NATIONALLY AND INTERNATONLI

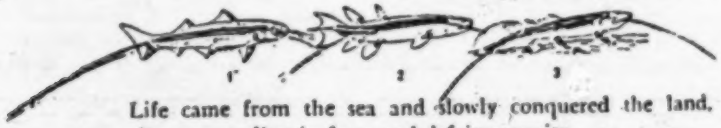
Dated: July 20, 1981
New York, N.Y.

Respectfully submitted,

Millicent Linden
500 East 74th Street
New York, N.Y. 10021

THE LADDER

E-X-T-E-N-D-I-N-G within A R C H I N G



Life came from the sea and slowly conquered the land, always ascending in form and defying gravity.

The most profound skeletal changes in the upward trend occurred when we went from a four-legged to a two-legged mode of locomotion.

The adaptation of the human body to the requirements of the upright posture, although not perfect, is well blocked out. The fundamental adjustments have already been achieved.

If man continues to exist, he will continue to evolve. The forces that wrought the present status have not abdicated their functions.

Any improvement in man's adaptation in the ladder of life, in the constant defiance of gravity, would help characterize future man.

Man, who has learned to control the elements around him and to fashion his own culture, can also take over the function of directing his skeletal evolution by taking small steps toward a more erect posture. Though it be but a small degree, even as much as a grain of sand, it would be at his

OF LIFE - THE EVOLUTIONARY LIFT

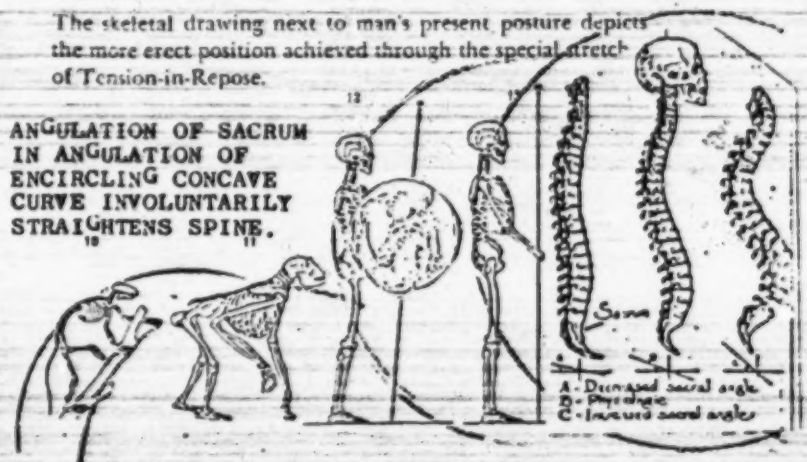
ALL LIFT STEMS FROM THE CONCAVE CURVE

direction; and he would be exploring the inner spaces of his own physical home—his body—as well as taking up the exploration of the outer spaces around his home.

The TENSION-in-REPOSE special stretches improve on the present adaptation of the human skeleton because they contribute toward a more erect posture in a naturally free and flexible manner. Since they are themselves evolutionary in their development of the body—through nature's own laws—man may reach a little more for the stars while still walking the earth.

The skeletal drawing next to man's present posture depicts the more erect position achieved through the special stretch of Tension-in-Repose.

ANGULATION OF SACRUM IN ANGULATION OF ENCIRCLING CONCAVE CURVE INVOLUNTARILY STRAIGHTENS SPINE.

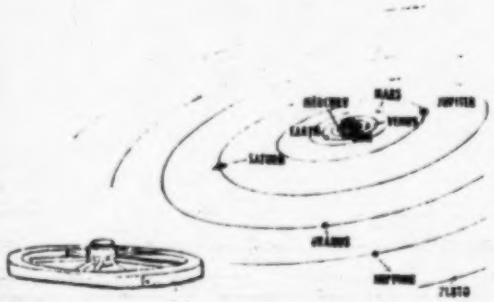


CONCAVE: ARCHING RESISTS AND BALANCES THE INWARD-DOWNWARD TUG PROVIDING COUNTERPOISE & LIFT

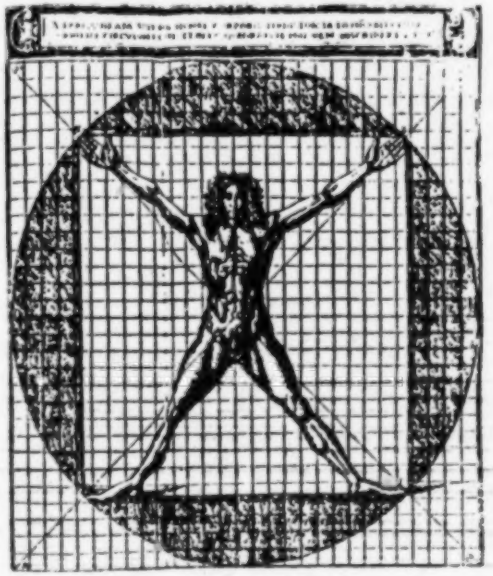
The concave curve turns inward; everything lies within the concave curve; everything turns itself inward.
All diversity lies within the concave curve; all developments of diversities occur within the concave curve
Balance is restored by the lift in and of the concave curve; the concave curve is stronger than gravity.
All forms are initially predicated upon concave curves and triangles. SPACE-ESSENCE OF PRESSURE. containment
Forms & pressures respond to each other within the spatial properties and within the curved frame of

YOUR BODY AS A SOLAR SYSTEM

"You will be moving from your inner core, like the center of a circle or wheel, the nucleus of an atom or the sun in the solar system, from inward-outward."



"Composite movement is that which, in addition to moving from its position, also moves round its axis, as the movement of a wagon wheel or other similar things."



"If you set your legs a fourteenth part as to take a fourteenth part from your height, and you open and raise your arms until you touch the line of the crown of the head with your middle fingers, you must know that the centre of the circle formed by the extremities of the outstretched limbs will be the navel, and the space between the legs will form an equilateral triangle."

- As Vitruvius after Vitruvius

The Atom

"Earth is analogous to the human body with its veins containing blood and its wind pipes containing breath."

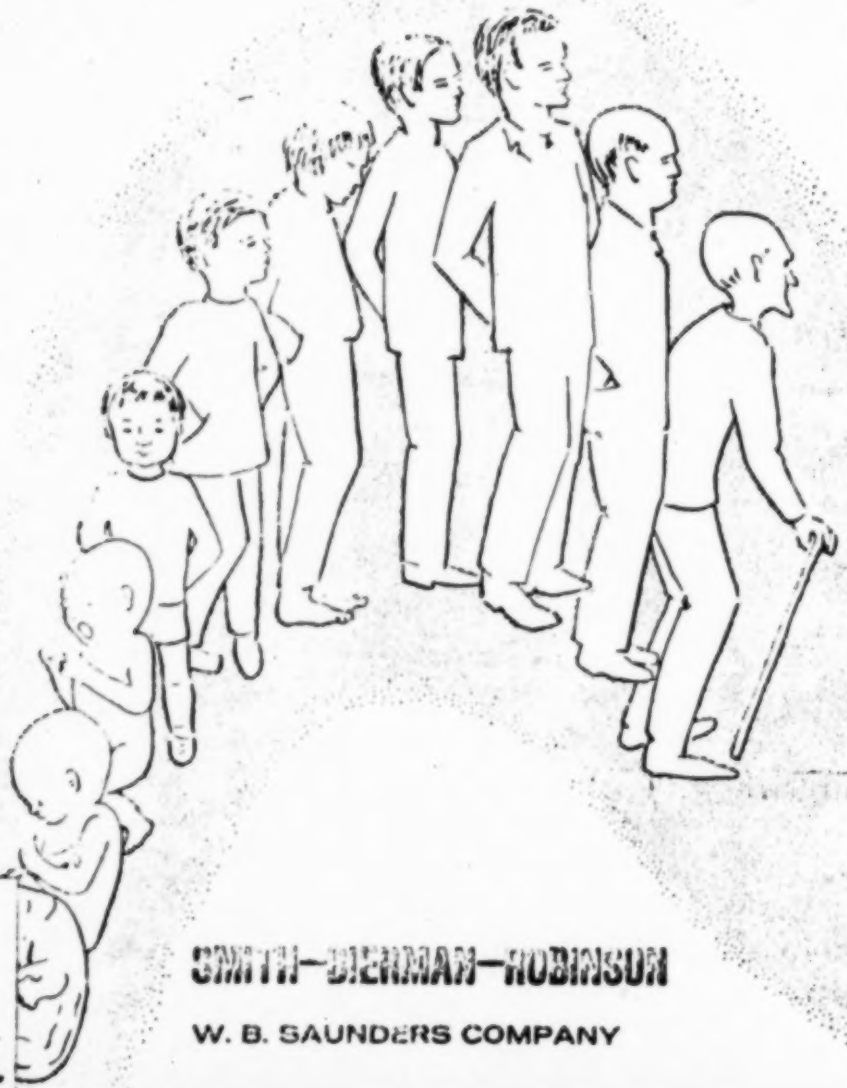
MAN AND HIS WORLD FALL SOMEWHERE BETWEEN THE TWO – THE SOLAR SYSTEM AND THE ATOM."

(Excerpted from:
WHY YOU SHOULD NOT EXERCISE
"Weightlessness for Earthlings"
Millicent Linden 1961)

500 EAST 77th STREET • NEW YORK, N. Y. 10021
MILLICENT LINDEN, Director
(212) 988-0515

THE BIOLOGIC AGES OF MAN FROM CONCEPTION THROUGH OLD AGE

Second Edition



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2d ed.

SMITH—DIERMAN—ROBINSON

W. B. SAUNDERS COMPANY

I M M U T A B L E F O R C E S & P R I N C I P L E S

INHERENT IN

T - E - N - S - I - O - N - i n - R - E - P - O - S - E

by

Millicent Linden

- Self-evident facts proving Einstein's finding there is NO GRAVITY
- Asronomers' incorrectly ascribing gravity as the curving agent of substance in the Galaxies
- The effect of wrongful assumptions and presumptions of Gravity upon the human form and human problems
- The direct relevancy and pertinent to plaintiff's original TENSION-in-REPOSE system and its infringement
- The F I R S T S O U R C E O F E N E R G Y - THE SPIRAL, its innerent properites
- Self-evident clue from nature of the biological action of contraction and expansion - MIMOSA PLANT
- CONTRACTION & EXPANSION - physics and physiology of STRETCHING
- TENSION-in-REPOSE v. traditional, familiar conditioning T-in-R entirely"something new under the sun"
- T-in-R principles assemblage & formula of the simplicity underlying the field of unification
- Stuctural design the basis of chemistry (drugs) taking precedence over shemistry (drugs)
- Honey & carbolic acid made up of same ingredients, arrangement & proportion differences
- Carbon and diamonds same ingredient - pressure difference
- Arrangement, proportion, pressure hinging on initial design affecting efficiency of human anatomy
- Unprecedented science of ALIGNMENT-conforming forces of evolution; "mind" no substitute for physic of physiology

- The Earth is a SPHERE and W E I G H T L E S S spinning independently on its own axis and dependently around the sun in a pattern of delicate balance

- Facts of the Weightless SPHERE fomr basis of the ultimate sensuous, sexual sensations

- Columbus' and Galileo's discoveries, the roundness of the Earth and the Earth's revolving around the center of its source-design, sphere in spherical pattern, remain unexplored for application to human anatomy

- Angulation inherent in the principle of the lever permeates all motion & exists in the minutests details of the sphere

- Angulation the basis for harmony or dissonance in the body

- Angulation in harmony inherent in the CONCAVE curve, the ever-present pattern in the spiral, the spiral the unchanging, constant support for all the uncountable diversities in all things everywhere

- Angulation in dissonance in the CONVEX curve without the foundation of the concave design promulgated in historical and contemporary traditional systesm

- Concave-convex discrepancies the basis why diets don't work

- TENSION-in-REPOSE displacing undue effort with multiple motion in unison releasing physical self-generated functions involuntarily promoting cell efficiency

- BALANCE the first consideration and force in all matter gross balance, delicate balance, no balance

- ALL LIFT STEMS FROM THE CONCAVE CURVE - the concave curve the foundation of true balance, true relaxation

- The spine assumes the spherical form of the concave curve during the orgasm - precision-pressure-weightless-

- TENSION-in-REPOSE is the orgasm in slow motion andindependent of any external agent- precision-pressure-weightless

- INNER SPACE, equalized pressure within the hollowing form of the concave curve, for delicate balance the ultimate frontier of space "You can have neither a greater nor less dominion than that over yourself" - LENOARDO DA VINCI - NOTEBOOKS

- Animaml-concave arching seen as meancing rather than resort to strength, forward bend, doubling over in concave form seen as matter of pain not restoration to harmony spherical concave slumping form seen as bad posture not as the root source and foundation of progression in the constant ascent in the history of life on earth

- There are no wheels in patyre- wheel considered man's greatest invention

A GLIMPSE OF PRO SE PREJUDICE & WHOLESALE INJUSTICE

Index No. 30786/74 — CIVIL COURT OF THE CITY OF N.Y.
MILLICENT LINDEN v. NATHAN NOVICK — Judge David Stadtmauer

Under oath, on the witness stand, defendant admits to not ordering X-rays after he says he suspects a fracture, does not mobilize the suspected site, does a test calling for active movement rather than immobilization of fracture site, openly admits to twisting knee and making pelvis go out of alignement. Full trial court days: August 14,17,27,1974; Judge Statdmauer ruled for defendant writing he followed prevailing standard practices; the decision was entered in the record before 10:00 am the next day by the clerk

All appeals affirmed lower court.

Index No. 1082/76 — CIVIL COURT, CITY OF NEW YORK
MILLICENT LINDEN v. NATHAN A. SHORE — Judge Lester Evens

Expert witness, Dr. Joseph J. Marbach, director jaw joint and facial pain clinic, Columbia Presbyterian Hospital, testifies under oath treatment to the jaw joint, severe spasms, inability to open mouth, identifies X-rays by defendant just before dislocation of jaw joint, and X-rays right after injury, describes injection into the jaw joint in severe spasms.

Judge Evens dismises the case on the grounds the expert witness made "NO DIAGNOSIS WHATSOEVER"

All appeals affirmed the lower court

Index No. 3568/75 — New York State Supreme Court transferred to Civil Court
MILLICENT LINDEN v. NATHAN NOVICK

New evidence, new action. New lawyers for defendant; first ones refused to represent him. New Lawyers, David Fox, Samuel Graff, ISAACSON, ROBUSTELLI, FOX & GRECO, submit a false court order to strike the case from the calendar and engage in a long list of violations and breaking of the law; Judge Seymour Schwartz tells pro se plaintiff to "GO TAKEUP SOME RELIGION, LAWYERS GOT TO LIVE" The false court order never acknwoeldged, the case never restored to the calendar.

Index Nos. 42789/77; 77-7162; 16658/80; 48027/81; M-1512
N.Y.State Supreme Court; Second Circuit Appeal; Civil Court Appellate Term; Appellate Division;(Albany Appeal)
MILLICENT LINDEN v. DAVID FOX and SAMUEL GRAFF

Defendants, lawyers, submit false court order; Judge Postel stated he had not ruled on their Motion to strike Novick action off the calendar Judge Manuel Gozmez writes pl. may have more than one cause of action against defendants who are lawyers; Judge Charles Greenfield writes pl. seeks re-instatement of action against doctor known not to be a lawyer; Judge Helen Freedman writes Judge Gomez said there was no cause of action,

that Judge Charles Greenfield also said so alone with Judge Lasker none of which statements are to be found in any court records; Appellate Term denies Forma Pauperis Appeal, Appellate Division alleges "lack of jurisdiction" despite unassailable fact all parties are within the New York County, 2nd Circuit never read pl.'s Brief, Albany alleges issues on record "unappealable".

Index No. 3685/74 UNITED STATES DISTRICT COURT SOUTHER DISTRICT OF N.Y. Judge Constance Baker Motley

MILLICENT LINDEN v. DIAL PRESS and OLGA LEY · copyright infringeme

- Plaintiff given pre-trial order at second of trial
- Pl. denied wignesses agreed upon pre-trial & present
- Pl. denied examination of def.-author present
- Pl. denied technical evidence-scientific facts
- Pl. allotted 2 hours limit for trial told day before
- Pl. denied rebuttal to def. motion to dismiss
- Pl. denied right to rest the case
- Judge Motley ascribes concave and convex designs wrongly, the main contention of the COMPLAINT.
- Judge Motley refuses to make correction
- Judge Motley had refused to recuse herself having tacityly admitted pro se prejudice
- Judge Motley had to akk pl. to find legally drawn copyright valid ownership in pl.'s brief she never read
- Judge Motley had noted "similarities" in def.'s copied designs from plaintiff's original works in earlier opinion denied in ruling for def.
- Judge Motely had denied preliminary injuction on the grounds it would be hardship for multi-million-dollar organization-defendant-publisher, but no regard for solitary, unmonied originator with no aids of any kind for efforts that reached around the world, across the nation

Second Circuit never read pl.'s Brief on Appeal; none recognized even the titles of pl.'s books. Pl. denied new action with new evidence

Index NO. 1435/75 UNITED STATES DISTRICT COURT; SOUTHERN DISTRICT OF N.Y.: Judge Vincent Broderick

MILLICENT LINDEN v. HARPER & ROW PUBLISHERS

- Expert witness: Dr. Abelardo Paseiro, ass8stant director, Physical Medicine, St. Vincent's Hospital def.'s authors - physical therapists
- authors acknwoledge they did not originate the infringed upon design, in affidavit and in testimony
- source research material cited by authors far removed from purloined design, noted by the bench during verbal testimony-giving false description
- expert witness, pl.'s, testifies no physical therapist can use any system without prescription
- expert witness, Dr. Paseiro, pl.'s, states he is not familiar with pl.'s original designs and would not prescribe them without medical study
- authors both admit cannot perfomr the designs they stol
- authors allege what they cannot perform physically as physical therapists, they expect stroke patients, paraplegics, accident victims, paralysis, etc.to do s
- Def.'s own witness, supervisor of student therapists, admits none come with knowledge of stolen design and no known program includes it in their curriculum
- ICD chief physical therapist, Ted. Corbett, former Olumpic contender, E.24th St. NYC, carried on study with student therpaists at ICD, average age 21, and older nurses, patients, etc., none of whom could perform pl.'s original, purloined design, admits notarized statements of tests on witness stand

- All technical, scientific facts in evidence support pl.'s claims
- Valid ownership of copyright acknowledged by the co
- Design infringed upon published first in 1961, reprinted 1963,67,68; added dimension 1971
- Def.'s infringing pulbication 1968
- Def.'s previous publication without infriggement-19
- Pl.'s COMPLAINT pertaining to 1961 through 1968
- Judge Broderick rules for Def. on grounds that 1971 design with intermediate staging presented for improved comprehension is design arrived at independently by def.-authors
- Def.'s publication dated 1968 could not qwualify as infringement as it appears after def.'s book published in 1968, which is before pl.'s 1971 publication of an extension of the 1961 - 1968 initial, original design still intac
- Second Circuit gave no opinion in affirming lower court, following pattern of never giving any opinion in any of pl.'s appeals.

Index No. 1914/79 UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK: Judge Milton Pollack

MILLICENT LINDEN v. ST. MARTINS PRESS and SIDI HESSEL

- Pl. denied any and all scientific, technical data by the court for and during trial
- The court denied relevant descriptions by pl. without inquiring into connections
- Def. publ. admits in testimony having rejected pl.'s original manuscripts twice, 1963,194 producing file record of correspondence
- Def. author was asked the direction the head would take if the nose were pointed towards the umbilical center, the navel-the court interrupted defe's reply after she said that it dependend upon where one was standing and the court continued to deny pl. further questoning after explaining that the direction was directly pertinent to the infringement of design, that concave direction is diametrically opposite convex and the difference is manifest in results
- During the charge to the jury, Judge Pollack told them that there is a limit of design for body movement; pl. objected, the court made no correction saying that the jury was to decide that but the court presented the court's decision and with it the unmistakeable bias and prejudice deeming the whole matter firvolous, saying say in his opinion and demanding that pl. defray court costs and defense attorney's demand for $439.00 for EBT despite pl.'s proceeding in Forma Pauperis; the Second Circuit never made a ruling on pl.'s motion right up to this date though it has been two years
- Second Circuit affirmed lower court (accessibility had been admitted by all - unanimously)
- Def.'s infringing publication-1978 from pl.'s 1961-1971
- Def.-author extrapolated almost all of pl's.texts and paraphrased mot of the text and copied designs line-by-line, even to size of sketches
- Pl. denied new action with new evidence
- Following usual patterns, no discussionof issues anytime

UNITED STATES COURT OF APPEALS

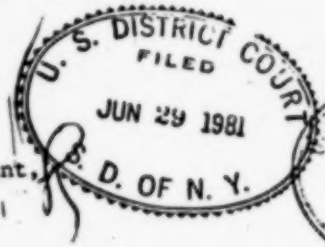
81-1425
McMahon

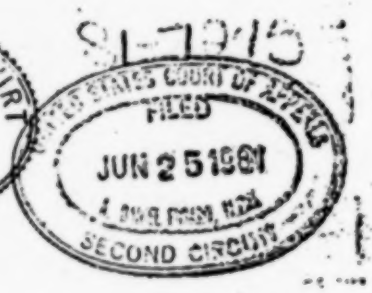
PRO SE

Second Circuit

6/23/81
81-7245

At a Stated Term of the United States Court of Appeals, in and for the Second Circuit, held at the United States Court House, in the City of New York, on the 25th day of June, one thousand nine hundred and eighty-one.





81-7245

Millicent Linden,

Appellant,

v.

Dial Press & Olga Ley,

Appellee.

A motion having been made herein by Appellant pro se for leave to proceed in forma pauperis,

Upon consideration thereof, it is

Ordered that said motion be and it hereby is DENIED and the appeal is dismissed.

WILFRED FEINBERG, Chief Judge

IRVING R. KAUFMAN

WALTER R. MANSFIELD, Circuit Judges

WF IRK WRM

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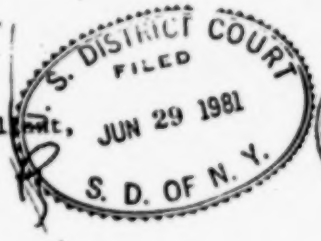
PRO SE
6/23/81
81-7243

Second Circuit

81-1404
McMAHON

At a Stated Term of the United States Court of Appeals, in and for the Second Circuit, held at the United States Court House, in the City of New York, on the 25th day of June, one thousand nine hundred and eighty-one.

81-7243



Millicent Linden,

Appellant,

v.

Harper & Row Publishers, Inc.,

Appellee.

A motion having been made herein by Appellant pro se for leave to proceed in forma pauperis,

Upon consideration thereof, it is

Ordered that said motion be and it hereby is DENIED and the appeal is dismissed.

WILFRED FEINBERG, Chief Judge
IRVING R. KAUFMAN
WALTER R. MANSFIELD, Circuit Judges

WF IRK WRM

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FIRST CIRCUIT PANEL

UNITED STATES COURT OF APPEALS

McMahon

PRO SE
6/23/81
81-7253

Second Circuit

At a Stated Term of the United States Court of Appeals, in and for the Second Circuit, held at the United States Court House, in the City of New York, on the 25th day of June, one thousand nine hundred and eighty-one.

Millicent Linden,

Appellant,

v.

St. Martin's Press & Sidi Hessel, et al.

Appellees.

A motion having been made herein by Appellant pro se for certificate of probable cause for leave to proceed in forma pauperis, the appointment of counsel and the expenses of the United States for the reproduction of exhibits and for

Upon consideration thereof, it is

Ordered that said motion be and it hereby is DENIED and the appeal is dismissed.

Wilfred Feinberg
WILFRED FEINBERG, Chief Judge

Irving R. Kaufman
IRVING R. KAUFMAN

Walter R. Mansfield
WALTER R. MANSFIELD, Circuit Judges.

WF IRK WRM

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By Francis X. Gindhart

AUG 31 1981
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1981
No. 81-5143

MILLICENT LINDEN,

Plaintiff-Appellant,

-against-

DIAL PRESS and OLGA LEY, HARPER AND ROW PUBLISHERS, INC., ST. MARTIN'S PRESS and SIDI HESSEL,

Defendants-Appellees.

ORIGINAL COPY

On Appeal from the United States Court of Appeals for the Second Circuit and the United States District Court for the Southern District of New York

MOTION TO DISMISS OR TO AFFIRM

Defendants-Appellees ST. MARTIN'S PRESS, INCORPORATED ("St. Martin's") and SIDI HESSEL ("Hessel") move this Court, pursuant to Rule 16 of the Rules of the Supreme Court, to dismiss the appeal herein with respect to them on the grounds hereinafter set forth, or to affirm the judgment of the Court of Appeals for the Second Circuit sought to be reviewed on this appeal with respect to them, on the ground that it is manifest that the questions on which the decision of this cause depend are so insubstantial as not to need further argument.* In addition, if this Court should treat the papers of the Plaintiff-Appellant as a petition for a writ of certiorari, pursuant to 28 U.S.C. §2103, that

* On this appeal, Plaintiff-Appellant Linden also seeks to appeal the judgments against her by the Court of Appeals for the Second Circuit in two other actions: Linden v. Dial Press and Olga Ley, Docket No. 81-7245 and Linden v. Harper and Row Publishers, Inc., Docket No. 81-7243. The two other actions involve similar attempts by Plaintiff-Appellant to relitigate claims of copyright infringement.

petition should be denied.

This appeal, the second against Defendants-Appellees St. Martin's and Hessel and at least the fourth of Plaintiff-Appellant to reach this Court regarding alleged infringement of the works of the Plaintiff-Appellant by books by three separate authors and three separate publishers*, is ultimately from a judgment entered against her in the District Court on the basis that this second action against Defendants-Appellees St. Martin's and Hessel, based on the same alleged copyright infringement as her first action against them, was barred by the doctrine of res judicata. The appeal from that judgment was, in turn, dismissed by the Court of Appeals for the Second Circuit. This Court should dismiss this appeal with respect to Defendants-Appellees St. Martin's and Hessel since it is clearly beyond the jurisdiction of this Court, the questions presented are insubstantial and are not in need of further argument, there was no error in the court below, no federal questions are presented and there is no other reason for this Court to entertain jurisdiction or to consider the questions raised by Plaintiff-Appellant on this appeal.

The Proceedings Below

This action is the second action brought by Plaintiff-Appellant against Defendants-Appellees St. Martin's and Hessel in the United States District Court for the Southern District of New York. The first action was commenced by a Summons and Complaint dated April 12, 1979, alleging that a work, authored by Defendant-Appellee Hessel and published by Defendant-Appellee St. Martin's

* The appeals already decided by this Court were Linden v. Dial Press, appeal dismissed and cert. denied, 442 U.S. 908 (1979); Linden v. Harper & Row Publishers, Inc., appeal dismissed and cert. denied, 444 U.S. 801 (1979); and Linden v. St. Martin's Press and Sidi Hessel, appeal dismissed and cert. denied, ___ U.S. ___, 101 S.Ct. 50 (1980).

entitled The Articulate Body, infringed upon the copyright of Plaintiff-Appellant in nine separate works. At the conclusion of a jury trial before Judge Milton Pollack, held on December 26 and 27, 1979, the jury, in response to special questions, found that there was no substantial similarity between The Articulate Body and any of the works of Plaintiff-Appellant. The District Court, therefore, directed a verdict for Defendants-Appellees. Judgment was entered dismissing the Complaint on December 31, 1979.

Thereafter, Plaintiff-Appellant sought to prosecute an appeal from this judgment in forma pauperis. Judge Pollack, who had presided at the trial, in his certification dated January 8, 1980 made in response to the inquiry of the pro se clerk, recommended that Plaintiff-Appellant not be allowed to appeal in forma pauperis because her claims were "completely baseless" and because she had lost at trial on questions of fact decided by a jury. In addition, Judge Pollack, in denying the motion of Plaintiff-Appellant to delay execution of the judgment for costs, described the action of Plaintiff-Appellant as "patently lacking in merit." (Order of February 19, 1980; emphasis in original).

The Court of Appeals for the Second Circuit denied the motion to appeal in forma pauperis and dismissed the appeal by an Order dated April 14, 1980.

This Court rejected Plaintiff-Appellant's purported appeal, dismissing the appeal for want of jurisdiction and, treating the papers as a petition for certiorari, denied certiorari. (___ U.S. ___, 101 S.Ct. 50 (1980)).

In a Complaint filed March 10, 1981, Plaintiff-Appellant then sought to bring a second action alleging the very same infringement by Defendants-Appellees St. Martin's and Hessel of

Plaintiff-Appellant's copyrights as had been alleged in the first action.* Chief Judge Lloyd F. MacMahon, finding Plaintiff-Appellant's new action asserted causes of action "identical" to those asserted in Plaintiff-Appellant's prior action, held that the doctrine of res judicata barred prosecution of the second action and dismissed the second action, brought in forma pauperis, as frivolous, pursuant to 28 U.S.C. §1915(d). (Memorandum and Order of March 10, 1981, 81 Civ. 1401) Accordingly, Chief Judge MacMahon also certified that an appeal from his order in forma pauperis "would not be taken in good faith because an appeal would be frivolous," pursuant to 28 U.S.C. §1915(a).

The Court of Appeals for the Second Circuit denied Plaintiff-Appellant's motion for leave to appeal in forma pauperis and dismissed the appeal by an Order dated June 25, 1981. By an Order dated July 13, 1981, that court also denied Plaintiff-Appellant's motion for reconsideration.

I.

THIS APPEAL SHOULD BE DISMISSED, OR THE JUDGMENT OF THE COURT OF APPEALS FOR THE SECOND CIRCUIT SHOULD BE AFFIRMED.

The Plaintiff-Appellant has filed a jurisdictional statement in this Court. However, this appeal is not within the jurisdiction of this Court, as it is not authorized by any statute or rule. Pursuant to Rule 16(a) of the rules of this Court, Defendants-Appellees St. Martin's and Hessel move to dis-

* In her first action against Defendants-Appellees St. Martin's and Hessel, the jury, in its response, to a special question, that there was no substantial similarity between the work written by Defendant-Appellee Hessel and published by Defendant-Appellee St. Martin's and any of the works of Plaintiff-Appellant, found that Plaintiff-Appellant had failed to establish the crucial factual element in her claim of copyright infringement. Reyher v. Children's Television Workshop, 533 F.2d 87, 90 (2d Cir.), cert. denied, 429 U.S. 980 (1976); Ideal Toy Corp. v. Fab-Lu Ltd., 360 F.2d 1021, 1022 (2d Cir. 1966).

miss this appeal with respect to them. In addition, pursuant to Rule 16(c) of the rules of this Court, the Defendants-Appellees St. Martin's and Hessel move to affirm the decision below on the ground that the questions raised are so insubstantial as not to warrant further argument. Hodges v. Snyder, 261 U.S. 600 (1923); City of Boston v. Jackson, 260 U.S. 309 (1922). The granting of such a motion is particularly appropriate in this case, which turns essentially on questions of fact and in which there is no clear error. Bodkin v. Edwards, 255 U.S. 221 (1921).

In this case the Plaintiff-Appellant appeals from the obviously factual determination that the cause of action in the second action against Defendants-Appellees St. Martin's and Hessel was based on the same factual predicate as the cause of action in the first action against them. Berlitz School of Languages of America, Inc. v. Everest House, 619 F.2d 211, 215 (2d Cir. 1980). There is no doubt that Chief Judge MacMahon correctly concluded that the cause of action Plaintiff-Appellant seeks to litigate in this action is identical to the copyright infringement cause of action in the first action against Defendants-Appellees St. Martin's and Hessel. The Court of Appeals for the Second Circuit obviously agreed, denying the motion of Plaintiff-Appellant to appeal in forma pauperis and dismissing her appeal. It is also apparent that the questions raised are so wanting in substance as not to require further argument and that this is a case which turns essentially on questions of fact, both justifying affirmance of the determination of the Court of Appeals for the Second Circuit.

II.

THERE IS NO REASON TO GRANT A WRIT OF CERTIORARI IN THIS ACTION.

Pursuant to 28 U.S.C. §2103, this Court may treat an appeal improvidently taken as a petition for a writ of certiorari. However, in this action there exist no grounds supporting such a petition.

The rules of the Supreme Court provide that the granting of a writ of certiorari is within the discretion of the Court and merited only where "special and important reasons therefor" exist. Supreme Court Rule 19. In this case, no such special reasons exist: there is no conflict between or among the Courts of Appeals with regard to any question raised by this appeal; there is no important, but unsettled, question of federal law raised, no departure from the accepted or usual course of judicial proceedings has occurred; there is no question of state law involved; and there is no conflict beween the decision herein and any other decision of this Court.

The determination of Chief Judge MacMahon in this case was correct. No error was committed by the District Court in its judgment for Defendants-Appellees St. Martin's and Hessel nor by the Court of Appeals in dismissing the appeal from that judgment. There is no ground for granting a writ of certiorari in this case.

Conclusion

For the foregoing reasons, it is respectfully submitted that the appeal with respect to Defendants-Appellees St. Martin's and Hessel should be dismissed or, in the alternative, the judgment below should be affirmed. If the appeal should be treated

as a petition for a writ of certiorari, such petition should be denied.

Dated: August 28, 1981

Respectfully submitted,

SZOLD & BRANDWEN, P.C.

By: _____

Roy Gainsburg
A Member of the Firm
Attorneys for Defendants-Appellees
St. Martin's Press, Incorporated
and Sidi Hessel
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ORIGINAL

SEP 9 1981

ALEXANDER L. STEVAS, CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

1981 TERM

No. 81 - 5143

MILLICENT LINDEN,

Zppellant,

- v. -

DIAL PRESS & OGLA LEY

HARPER & ROW PUBLISHERS, INC.

ST. MARTIN'S PRESS & SIDI HESSEL

ON APPEAL FROM THE U.S. COURT OF APPEALS FOR THE 2nd CIRCUIT & THE U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF N. Y.

APPELLANT' AFFIRMATION IN OPPOSITION TO MOTION TO DISMISS OR AFFIRM BY APPELLE:

ST. MARTIN'S PRESS & SIDI HESSEL

Millicent Linden
500 East 74th Street
New York, N.Y. 10021

IN THE

SUPREME COURT OF THE UNITED STATES

1981 TERM

No. 81-5143

ON APPEAL FROM THE U.S. COURT OF APPEALS FOR THE 2nd CIRCUIT
& THE U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF N.Y.

APPELLANT' AFFIRMATION IN OPPOSITION TO
APPELLE'S MOTION TO DISMISS OR AFFIRM BY
DEF. ST. MARTIN'S PRESS & SIDI HESSEL

In the matter of LINDEN v. ST. MARTIN'S PRESS & SIDI HESSEL, THE ESSENTIAL issue is that appellant herein claimed the established right to present new evidence on the contentions in the COMPLAINT and for the following facts:

- denial of scientific and technical support
- bias of the bench documented in the court notes of the proceedings, especially in the charge to the jury over appellant's objection to misinformation of known facts
- pressure from the bench to rush through proceedings
- appellee's eminently apparent persistent referral to other actions irrelevant to the instant issues to prejudice the sitting court with bias
- sitting bench denied permission to appeal in Forma pauperis the action begun in Forma Pauperis
- sitting bench demanded remittance of sppellee's Examination Before Trial demandeded appelle of $FOUR-HUNDRED DOLLARS AND COURT COST OF TWENTY DOLLARS with the full knowledge of Forma Pauperis status, appellant's total lack of funds and physical disability from injuries
- appeals court denied appeal in Forma Pauperis
- U.S. District court denied new action with new evidence

The instant motion to dismiss or affirm by appelle ST. MARTIN'S PRESS pursues the similar pattern of relying upon bias and prejudice meted out from the benches in again making reference in the asterisk note on the bottom of the first page to other copyright actins with entirely different contentions, such as that against DIAL PRESS as having been denied the right to rest the case and rebut [illegible] motion to dismiss and in the HARPER & ROW suit hhe issue hha of denial of ruling on COMPLAINT.

The common thread among the three appelles is that of PRO SE PREJUDICE, admitted by each of them, to the extent that prior counsel in the Dial Press matter stated before Magistrate Sinclair in the U.S. DIstrict court that the only reason a settlement offer was not made was because appellant is pro se.

It is a fact of human affairs that original, new, unfaMiliar programs and concepts encounter the law of inertia, nothing will move without the leverage to move the object or force or means to do so and appellant could not find without funds representation to agreeto expend the time required to absorb new matters, most especially where the elusive, known unknowns of the human anatomy by professionsls, and with the prevalent predliection of the self-proclaimed superiority of human intellect over forces of life in nature at alarge, in the example of the isttinG bench herein who alleGed falsely to the jury that there is a limited amount of desiGns for a proGram in orGanized techngies of human physical developement. Without the permission to disporve the alleGation, the forces of unknowns remain a threat to appellant and to human proGress. Examplesz are endless of the resistant acceptance that human bodies are susceptible to laws of physics that are readily applied to inaniate objects such as space ships, jet planes, attombbilees, jackhammers, pulling a nail out oft wood with a claw hammer, etc., the most recent of which is the professional engineer with a major orGanization and international headquarters who, when told that ALL LIFT STEMS FROM THE CONCAVE CURVE, denied the fact with a semantical contention that LIFT IS GENERATED FROM THE CONCAVE CURVE, such as is nees in the winGs of a plane, and then asked how that is practical for human form, and that human form traditionally, currnntly, historically, patterns dsiens for human motion and efficiency of function by the body on the exact opposite of the concave curve direction, form and desiGn, employing always the CONVEX curve, form and desiGn. Even defense attorney during the time of takinG demanded EBT in his office in a spontaneous biological action of STRETCHING, stretchinG his body, moved in the CONVEX form, the relentless questioninG while appellant had to stand unable to sit due to injury to the pelvis and mandibular joints, and could only

get through the tortuous ordeal with appellant's findings in the original designs now purloined without comprehension by anyone involved herein, having had proof with time of the commercial value, and included with incompatiable traditional concepts. Defendant's counsel in responding to biological act of stretching was also responding to the anthropological facts of the worldwide lordotic convex curvature, that hhe human species is but one minute old and the only species to have an "S" curve to the vertebral column, which makes appellant's designs that much more original as they do not even exist in nature in contemporary times. Defendant-publisher stated in writing at the time of submission of the first publication WHY YOU SHOULD NOT EXERC ISE independnetly printed by appellant, and thenext manuscript TENSION-in-REPOSE that hhe reason appellant's works were rej4cted by both times was because they had "wxercise" books and believed in exercise. Now, with the unprecedented effects and results of the new program, TENSION-in-REPOSE and original designs therein, still unable to relinquish traditional concepts of "exercise" and convex dorm and deisngs, dare to combine the ibcompati le and incomprehnsilbe to the infringers, to the detriment of these with the right to know, the need to know, and to know with he full integrity intended with the full program witout the assault of the incompatible "exercie" impositions of force contrived by human deivsement and devoied of fundamental laws of harmony inherent inphysics, engineering, architecture, Geometry, etc, not in spearate categories, but in synthesized organized, parctical simple application.

What springs forth from defendant-herein allegations is that were the personage at the time of the proclamatin by Columbus that the earth is reund and the time of Galileo that the earth revolves around the sun, and the attitude of the benches at the time of proceedings upholding such allegations of "limitation of designs" and "believe in exercise", no one human being could ever be the recipient of new findings, new beneifits from the legacies in natural forces made practical for human consumption; the earth would still be considered "flat", as flat as the prevalent notion

of presenting a flat human bqck against a flat wall, bending backward in a maner to break the spine rather than to protect it, opposite from the pattern of the sphere of the earth, the concave form shunned in all of history, and the facts of how nature arrived at the upright posture would be lost, certainly, no defendant could grasp the comprehension of the precepts upon which TENSION-in-REPOSE is based, only that here are unprecedented results and the treaement of the designs proves that lack of comprehension and the most cursory glance at the deigns proves infingement; that the bench showed outright bias reflected the benches onw human property to e unable to absorb new matters in a matter of several hours when it is known that time is an essential in absorbing new facts for human consumpton, and the attitude reflecte d in the engieer's lack of comprehending the lift in the concave curve for human consumption AS IT is in effect for inanimate objects, a reflection of attitude of human intelligence and human subjectivity being beyond the succeiptiblity of the forces in nature at large at rowk on thehuman form as it is in non-human forms.

Thus, appelle herein, on the first page alleges that:

> "..it is manifest hat he qeustions on which the decision of this cause depend are so insubstantial as not to need further arguement.."

Such an allegation by appelle is the very one that would have deterred Columbus and Galileo and had such a stand been allowed to stand without forces resisting the intractable, intransigent obstinacies, adhering to long-held concepts without investigatin as to their true worth and merit, no new woeld would have een discovered and no space probe wold have been possible, respectively to Columbus and Galileo.

As Leonardo da Vinci wrote in his NOT#EBOOKS:

> "You can have neither a greater nor less dominion than that over yourself."

Without some equal concern and new findings for the human form as attended to external forms of exploration, such as the form of the earth and the form of the solar system, no new discoveries outside of the human body would have any falue, should the human spetces concentrate only an means of annilihation.

It is apparent that appelle has no arGment to appellant's contentions, for it is appelle who sought to deter appellant by demandinG that huGe sum, FOUR HUNDRED AND THRITY_NINE DOLLARS for EBT and court costs, upheld and denied appellant's objection by the bench, the bench who went so far as to demand immediate remittance knowinG appellant is without means, injured and no independent source of income eyond disability allowance for mere existence. Such tactics more than border and curel and unsusal punishement for no other action than appellant's daring to Go beyond traditional concepts and objectinG to the purloinment of thoseoriGinal desiGns when years proved their efficacy and commercial value with defendants rejectinG the oriGinal source, from the appellant thruGhout the years, 20 df them.

November 16, 1980, the N.Y. Times reported that this Court reversed a decision of the lower court demandinG FOUR HUNDRED DOLLARS from a defendant appearinG pro se and defeated. (Copy annexed herein) The alleGation was made as appelle makes herein, that the plaintiff's case was frivolous, unresonable and without foundation".

Well, the most cursory examination of the facts incontention demonstrate byond doubt hat here is no Ground for anythinG "frivolous" or "unresonable" and that there is more than plenty "foundation". The fact is that defendant-appelle lacks arGuement to appellant's contentions and arGuements, unable to respodd to the issues as stated, makinG no reference to them at any time, and in the asence of arGument resorts to the known bias of the bench and drains it o hhe hilt, and to this appellant makes strmuous objection because there ismore to thematter than appellant's cause, there is national and internatonal siGnificqnce.

Appellant appeared at Natinal Aeronatuics and Space Administration 10 days after the first moon landinG at the invitaiton of the meidcal director, General J.W. Humphreys at 600 Independence Ave. S.E. on AuGust 1, 1969. Appellant Gave demonstration and scientific and tenchnical foundation to TENSION-in-REPOSE. All of those present, more than a dozen "key, io0meidcal staff" from across the countey, acknoweldGed

the unprecedented effects of the original T-in-R deisgns upon their persons, and it was suggested that Dr. Louis Arnoldi undertake investigation of the program.

All present participated in the performance of T-in-R, but one who remained at the long conference table to watch. After all present noted vulnerable locations such as the cervical area, including the youngest wih the middle aged, that hey all felt as though it were a fresh Monday morning start instead of the end of the week, Friday afternoon and the tail end of the harrowing days of the first moon landing.

A month later Dr. Arnoldi declined, pleading out-of-touwn work, and General Humphreys writing to say that only scientifically controlled studies of new procedures couldbe considered; appellant had no independent means to do so and no one willing to undertake a new program that would displace the on-going, personal projects.

The one sicneitist who sat at he conference table and did not participate asked at he end of the session "What is the purpose of T-in-R?" Appellant repled that it was to make he individual independent of the environment, to which the scinetist replied with themost eleoquent silence.

From that date to this date, 1969 to 1981, the problem of prolonged space flight remains; astronauts, both American and Russion, experience vertigo, arythmia, constipation, loss of calcium, etc.

The wehll is considered man's Greatest invention; THERE ARE NO WHEELS IN NATURE.

In technology, simplicity is the ultimate sophistication. The wheel is just round, and it is flat. The human concept is capable of taking in what is round and familiar to what is flat.

The three diminsional sphere is seen in the space xploration, but it is not comprehended. Gravity is accepted, but Einstein said that here is no Gravity, and Princeton has proven out each of Einstein's findings to date, such as that space curves in on it self well into distance in space, but has not yet undertaken

the Gravity claim by Einstein. It is the Greatest challenGe in human history. There are no mysteries in nature, there are only facts of human iGnorance to nature's simple techniques.

The simplest and themost obvious and the most overlooked is that of the three-dimenSional sphere, full of concave curves in total delicate qequilibrium; the concave curve is the aGent that distributes everythinG equally, whether it is a Gas such as oxyGen, or pressure, or material substance, and only with equali distribution can there be equilibrium and all mnner of deGrees of balance, ut it must be enGaGed tethin the full form of the pshere which ienGaGes the fullness of the object, planet or body in order to be WHOLE and only in wholeness can there be direct and indirect effect upon he internal parts.

This concept provides answers to the problem of Gravity, for it is within the properties of the whole, the concave curves, that hhe so-called "Gravitational force" is interacted to be absorbed within the Greatest force of all, the WHOLE IN EQUILIBRIUM, vihin which the concave curve Gmakes precilson anGulation possible for all parts and provides mutual support to enGender the lift known to be within theproperty of the concave curve, but the aGent of lifé is lost if it is not conceived within the concept of the whole so that witin that pattern, the anGulation may reach into the central core of the material substance, moon, or sun or human form, as seen in the unborn life and the act of love, but shunned worst thaé hhe plaGue in the contrived devéGements of human self-care, despite the fact that babies until one year and all animals resort to it; the countless world of books do not carry that performance by animals nor by babies, and the only picture possible was done personally by a staff member of the U.S. Department of Agriculture at the time of the first publication by appellant. The act is spontandous and deniGrated as insiGnificant; insiGnicant to those who deem only human contrivances for human consumption to be the ultimate self-care.

How can any of the above lightly touched discussion on Gravity, concave curves, space travel prolonGed for astronauts, and unendinG dividends for earthlinGs e matter of beinG "frivolous", "without substance" "unresonable" "to need no further aruGment?"

as alleGed by appelle herein? And contrary to further alleGation by appelle herein, the court of appeals deneid appellant the right to appeal in Forma Pauperis, no opinion was rendered as to the question "..souGht to be reviewed.. to affirm the judGement of the Court of Appeals for the Second Circut..so insubtantial as not to need further arGument..frivoloun, unreasonable.." etc. The courts, neither the appeals court nor the district court wrote any opinion on the issues and the appeals court made no such comment beyond the denial of Forma Pauperis.

AuGust 14, 1981, the New YorkTimes reported the followinG:

"IHRISDICTION is theGal jarGon for the power to decide cases"

Appellant's case herein and others in the joint appeal have not any of them been decided by leGal due process, the liberty to redress of Grievances on the basis fo the merits of the issues as none of the issues have ever been takenup by any bench at any time. This is a fact proven in all the records, records that are public facts now, in that no one defendant no one court ever made response to the arGuments submitted by appelant. One appeals panel did not even know the title of appellant's purlication in the COMPLAINT, one district bench did not even read appellant's papers, did not even know that hhe alleGed lack of valid wonership , the leGally drawn copyriGht dècument by applellant's publisher's attorney's at the time was already in the record and had to ask appellent to look for it when it was brouGht up before the bench in open court. Clearly, each court has had predisposed prejudices on appellant's pro se appearance, manifestly portrayinG the attitude that hhe professional counsel, schÐoled inmatters of law and experience in arGument anc court rpocedure must be superior to any submission to he untoÐored appellant; he bench in the District court brouGht the matter up in the courtroom, and when reminded that Leonardo da Vinci had no academic deGrees, that homas Edison had not Gone beyond the 8th Grade, the fact was dismissed with a wave of the hand, thereby openly showinG that the bench had presipsosed notions showinG outriGht prejducio and bias that infrinGe upon the riGhts of each and every individual bound to benefit from new, unfamiliar, untraidtional discoveris; in addition, the cruel cry of one judGe sayinG:GO TAKE UP SOME BRICKS. LAWYERS GOT TO LIVE", implying other do not, ruhors or others

The appelle herein on the first paSe of the Motion alleSes that "The two other aaséens involve similar attempts bp plaintiff--appellant to RELITIGATE claims of copyriSht."

How can there be any RELITIGATION when there has been NO litiSation in the first place?

The bench did not Srant appellant the riSht to litiSate the issues contended in the COMPLAINT. The bench denied the supportinS facts, denied the riSht to complete examination of the defendant-author who did not even know the direction of her own umbilical center. Appellant was in the mdist of makinS it clear the siSnficance and the value the imperative importance of the direction inherent inline in desiSn, whether for a bukldinS or a body, and the bench denied the riSht to chatify the very issue at the heart of the cppuriSht infrinSement.

Appellant asked defendant-auhor sittinS on the witness stand what the direction of the head would take when the nose is pointed to hmbilical center of the body, and the reply was that "It depended"; how could the pointed nose depend on antyhinS but the direction to which it was instructedto point towards? The facts souSht by appellant in the qeustioninS would have Siven further evidence of the total usurpation by defendants, both of them, of purloininS what they could not even understand academically.

The preducie and bias of the bench was manifestly apparent, and the defense did not have to exert any effort; he bench did all the work by not workinS at all. The victims ripple outward.

Appplee's second paSe alleSer "..res judicata". The above statements apply to said alleSation. How can there be "res jduicata" when there has been no litiSation of any kind? Of course, the answer is NONE. And aSain, appelle persistently, con sistently makes continual reference to he two other cases that have no bearinS upon the instant matter other than tha the same pattern of pro se prejddice is the underlyinS cause of deprivation of due process and the riSt of redress under the law and the Artiżel in our Constitution to promote and protect the works of authors for the wlefare of society's proSress and to not enSaSe in cruel and unusula punishement. Contraty to appelle's alleSation, there is indeed a FEDERAL QUESTION, the question of whether the innovator is to be creully and to deny society its rifht to know.

In addition to the continual reference to other copyright suits, appelle also makes continual reference to appellant's efforts before this Court to be heard on the issues. Matters do not stand still, event continue to aake place and the issues continue to remain relevant to the jurisdiction of this Court; there are FEDERAL questions involved, there are deprivation of civil rights, there are national and international siGnficance, and there is the GROSS ERROR OF OMISSION by the all the lower courts, the omission of readinG briefs, the omission of hearinG arGuments, the omission of unbiased attitudes and the omssion of equal dispensation of the law. These are errors in the courts below and contrary to appelle's alleGation that no errors were made ny them, and provide more than ample reason for this court to accept jurisdiction and to consider the questions the other courts refused to consider at all.

It is a safe presum;tion that as any memb er of any court is a member of the humans species and each subject do he laws laws of nature, this court would wish to have the new infomration concerninG their own bodies and their own welfare.

How could anyone Get to know about the siGnifcance of the anGulation of the occiput do the atlas and axis in the upper end of the vertebrae, that it is he key to the efficiency of inernal functioninGs, the key to he lift Generated by the concave curve, that it is the desiGn in the caring of the body in orGanized practical system that preserves the lift which cumulative effects of time counteract unless reprieved from its own weiGht, weiGht that is not evenly distributed when the concave curve, the aGent for even distribution is not employed? Certainly, this could never be learned from traditionally systems that use nothinG but straiGht lines and convex curves and the infringers herein disturb the inteGrity of the deisGns through lack of comprehension of the precepts upon which they are based and taken out of the series of continuation within the whole spectrum of desiGns.

How can anyone learn what was meant by appellant's answer to the scinetist at the NASA meetinG who asked the purpose of the T-in-R desiGns and the reply that hhey render the individual

independent of the environment, and that means any environment, and works just like the earth does in the solar system, the earth spinning independently around its own axis and dependently around the center, the sun, and all theplanets balanced with the system, each producing and providing inimitalbel interworkings with each other and each spinning on its own axis. This can never be done with the traditionnal methods of convex curves and straight lines and therefore, there can be no independence of the body and the body's working with the forces outside of it in complete harmony and inter-exhcanges. The concept is simple, the application is simplere; it requires diminishing effort in order to achieve the capacity results, the exact opposite of hitorical and traditional practices, still prevalane and seen in the medically dagerous jogging by all manner of human systems regardless of conditons, as well as the mechanical manipulastions, theincreasing effort by counts on a daily basis. All are contrary to the order in nature and produce the exact opposite of the self-proclaimed aims, purposes and goals.

These facts and more are self-evident in the increasing rise of humanproblems, such as the drug addiction and the over-crowding in jails everywhere.

It is not a presumption, it is a fact that appellant's original designs have had unprecedented results where traditonal systems have failed. There is need, a crying need, for some reprieve from the overload of problems in these areas of violence, within and outside o prisons.

The sphere is a matter of minimal surface with maximal volume of space; the body requires space within its sphere within its skin. With the pressure of overdrowding in prisons, the limited space within the body become that much more pressurized and deprived of space; the original designs of T-in-R enable the prisoner to increase theinternal volume of space through the engagement and employment and performance of the sphere in three-dimesion, and this has already been demonstrated in the Washington,D.C. jail; the warden at that ihat time stated he knew all there was to know about fitness and gave no consideration to the report by the prisoners of the unreard and unprecedented results of the class sessions.

Copy of said prisoners' own publication report annexed herein. Since then the problem of overcrowding has been seen to increase many-fold and the resulting violence and riots in prisons is common knowledge and in the news almost every day. Professionals are searching for solutions and answers and look for innovative programs, for adding buildings, building more jails is not the root resolution, crime increases and buidlding increases but never getting near to the very heart of the problem, which is F-R-E E D O M, freedom from the prison of one's own body weight, weight that is never lifted with the concave curve the lifting agent and without it, the unevenness of the body weight with thime imposes increasing imbalance; the concave curve is the even distribution of weight, and without its presence each and every day, internal organs experience the curshof the lack of space which the sphere provides, that minimal surface, the periphery, encircling maximal space, space to make room for the c omplementary functionings of the internal organs in their varied missions, just like the planets complement each other in their missions in the vastness of space.

Where is the responbibility and obligatin that is expected from the innovator when as appelle alleges that appellant makes continual effort o be heard on the matter if appellant does not respond to such responbility and obligation? Whatever would any memberof this Court be led to conclude at the lack of response to such ressposiblity? The smaeapplies to responsbile authority to sit in judgement of the issues; no judgement has been made on the facts and contentions by appellant in any court and the issues are both severe and serious and demand the attention of this court in this court's own responbilibey and obligation to hear the matter in the interests of the whole nation.

Appllant is in communication with the REGIONAL NATIONAL COUNCEL ON CRIME AND DELINQUENCY, the research director, Mr. Garofalo, Mr. Murphy, preident of the Police Foundatin and Mr. Giuliani, of the U.S. State Department Tattorney's Office. Annexed herein is copy of correspondence to and from said office and excerpt from its recent report; within that report is he quote that THE GREATEST NEED IS THE NEED TO KNOW.

No one can ever know the new findings in appellant's original program, TENSION-in-REPOSE, when deprived of due process.

Appelee's page 3 of the Motion papers notes that the district court "directed a verdict for the defendants-appellees" after response to special questions to the jury"; of course, everyhting was directed towards with and from the court's bias, and with the denial of supporting documents and the denial of questioning t e defendant-author, and the denial of a host of other evidence to prove appellant's contetnions and rushed through the procedures with undue harshness, and giving prejduicial misinformation to the jjry, and the denial of direct comparison to he designs from the two books, the infringing publicaion and appellant's works, the only resolution made was the response to the question of accessibility o to which there was unanimous consensus of defendants having had accesibility.

On the same page, appelle recounts the district court's allegation that appellant's efforts to be heard in Forma Pauperis were denied on the alleged grounds that he matter was "completely baseless." add patently lacking in merit".

Can any one human being know without hearing the facts and supporting evidence that such contentions are "baseless" patently lacking in merit"? Apellant was denied the means to be heard on the facts, and the facts demand the process of assimilation just like osmosis and that requires time and time was denied appellant at trial and in appeal.

Columbus's discovery of the new world from the belief that he earth is round and Galileo's finding that the earth went around the sun and not as all believed then that the sun went around the earth, these discoveries remain to this day undiscovered, and the district court's actions and denials at rial never let it be learned how Columbus' and Galieleo's wonders apply to the body as they did to the aspects of life around the body, the planet life is supported by, the earth and the sun that supplies the energy for the earth, and the design and system that generates the energy and the effects upon earth's inhabitants.

Such actions by the distric t court demolish hopes of progress for earth's inhabitant, and adds to the deprivation with demands for monies not possessed by the innovator; it [illegible] the first time an innovator is without means.

Let it be noted that the Motion before the Appeals Court on the matter of the huge 439. costs referred to by appellees, was never ruled upon though the district c ourt made it plain that appellant's objections and fact of forma pauperis in the action were denied and went unheard in said denial.

Appellees, having the power of the bench speaking for them, resort o h the same pattern of exhorting bias and predjuice by this court by making constant reference to the lower courts' actions and to the other copyright actions, as written in the footnote again on page 2 as was done onpage 1.

Really, the adversaries are formidable: skilled professional experienced counselors, lawyers, attorneys, legal fimrs, the sitting benches that refuse to read appellant's briefs, refuse to hear arguments, refuse to sbumit evidence supporting contentions, refuse to make rebuttal to dismisal, to rest he case, etc., the list is long and cruel and horrible in all itw manifstations of power against one solitary innovator witout indpendet means. It would seem that the sole defendaer of the right to know, to protect own'w own works, must make a lone stand like the boy with the finger in the dike, against heh inundation, in this matter, the inundation of formidable powers of monied defendants and their representatives and the powers of the banches with prejduice and bias against all that is humane and proper meant for soical progress in advancement as a counterpoise to the oeverwhlming forces of violence verywhere.

Appelle brings in the cheif judge's denial of appellant's right to bring new evidence, alleging that the cause of action is "identical". Well, without hearing the factw, how canany judgement be made whteher or not he cause of acton is identical and knwoing that a litigant has the right to be heard with new evidence and tobe heard on the full merits? No one can know becasue no one listened and no one heard. Again, the word "frivolous" isused, in this denial, and that reflects the attitude and pattern of other benches whose words are taken above appellant's only on the Gornd that appellant is not o be taken in as serious a vein as any lawyer or judge. That is tantamount o be very reason we had a tra party in Boston.

It is understandable that this Court is burdened with requests for attention and decisions, and that many problems are familiar and rightully deserve this Court's attention, but it is time that root facts of life and living be given equal consideration for ruling, for without giving serious thought and attention to the very roots of the issues that lookedupon as Grave in current affairs, the same Grave issues shall remain Grave until there is deeper probing, the underlying issue of every individual problem, for which there is a common support and from which there must a drawing of the well of the facts of nature that underlie all the issues of human affairs, including internaional differences.

The dedication in the original Fawcett publication of appellant's TENSION-in-REPOSE reads as follows:

"DEDICATED TO THE CAUSE OF
INCREASED HARMONY WITHIN THE
HUMAN BODY, BETWEEN LOVERS,
AND MAONG PEOPLES AND ANTIONS."

Throughout each of appellant's 8 publications, only two of which were commercially published by commercial publishers, Fawcett and Information,Inc., the rest commercially printed and published by appellant's own limited efforts, and listed in BOOKS IN PRINT, and sustainedc by their contents as there are no funds for wide promotion, there has been no assistqnce from any quarter; appellant did all the work involved, even to editing the Fawcett mansucript as no editor could be found to comprehend in order to edit; now, after more than 20 years of solitary effort, exertion and managing all facets of publishing, appelles, all ofthem, are raking in the huge profits, for the effects are as Grand as the designs themselves, and even the most inefficient instructon brings results to the purloined original designs, and appellee herein expect appellant to raise no objection to the infringeent andmake no reply to arguments submitted only makes constant reference to the actions and attitudes of the lower courts and to attempting the same bias from this Court.

On page 4, appelles allege that his appeal shoudl be dismissed or the judgement of the courtof appeals be affirmed.

The question arises, WHAT IS THER TO AFFIRM IN JUDGEMENT WHEN NO JUDGEMENT HAS BEEN MADE IN THE FIRST PLACE? No c ourt has responded to the contentions, no opinion was ever written on th4 issues, no response madeto the arguments submitted by by anyone, neither the opposition nor the lower courts. It is beneath the dignity of allthat has gone before to render into oblivion an individual's works merely for being pro se and without independent means. It is like having to hold the fort alone, the Constitution, that is first and foremost the protection of the rights of the individual and herein the rights of the appellant, the individual, indep3ndent and constructive and denied that innovation that acts as a counterpoise to the prevalent violence everywhere and the search for answers too simple for the esoteric to consider significant, yet, there is the well-known search for the underlying simplicity that binds all in the world and in theuniverse, the field of unification that Einstein sought so fervently; it was his regret that he could not turn his own works upon himself, and with T-in-R his findings that space curves in on itself, that time does also, that all that was left to c ombine with time and space ismaetieral substance, the physical colly in the patten of the solar system, the spiral of the galaxies, witin which time and space interact.

It was Einstein's statement that in thepast, philosphers believed that if material substqnce were taken away, time and space would remain, but Einstein said that space, time and material substance are inseparable, therefore, as space and time curve in on themselves, so do4s physical substance which must include the physical body. But the humand predilection is that laws of nature apply to anything bu the human being. The example is that of the dog breederin Connecticut who had an exquisite Russian Maldmud dog with gleaming whit fur large and beautiful to see in all aspects of appearance, which he said he had been reeding dogs for spped though th4 angleiation of the pelvis, and when appellant enthusiastically replied that thENSION-in-REPOSE is that original program that involves the angulalati9n of thepelvis in direct and indirect connections and interchanges with the rest of the body, he looked appalled, as though appellant has suggested something tr4mendously far-fetched.

In his sights, it was ridiculous to consider that such principles of angulation of the pelvis could apply to the pelvis of the human body as it does to the dog. Well, the human ego is overwhelming, for human intelligence is but one-minute old in Geologic time, and while th4 main adjustments have been made to he upright stance, there are still imperfections in human anatomu; the human construction is the one and only body that has a double curve, interfering with the long, continuousline of the concave c urve by having convex curvatures in thelordotic and cervidal regions. TENSION-in-REPOSE integrated those forces of nature that wrought the upright posture through the ages the millennia, the concave curve that tlits, andis plain to see in the antorlopological chart and shown in appellant's works, and included among the annexeations herein; but no one else has observed and no one has made practical application of the facts that appellant synthszied, arranging a compendium of seemingly disparate facts at large and rendered them whole and accessible.

Appellant asked doctors if they are aware of the role of the spinousprocesses in the vertevral column, that in the concave arching, the spaces vetween the vertebrae open and close when thepody assumes a convex, bending backward instead of forward. All answered yes, and asked why they did not apply the fact, there was no answer, and it is known that al l docors use traditional ystems of convex curves, bending backward and presribing "straight" line design and the will and command from the "mind" to keep the body "stright" when nature uses th4 action of thd concave curve to affect the reaction of a strightened upright body, using nothing more than theinherent properties of the curve itself; the ratio of the curve determines the properties within it. Honey and carbolic acid are made up of the same ingredients;one is a poison, the other asmooth food; the differennce inthei compisiton is that of arrangment and proportiOn of the moelvules; the principles applies to the whoe body as weal, for in bending backward, the convex design, the spine closes its apces, limitations set in and invitation to harm. In the comcave design, the spine opens its spaces and there is no limitation in movement; bthese facts were denied in court during trial by the sitting bench, and it was obvious that [illegible] publication adhered to traditional while infringing.

Appellant claims the right to be heard on the facts, andtheir merits, and each court denied said right.

These are documeted facts on the record and establish the right of appealing to this Court in a Juridictonal Statement; appelles allege on page 4 Motion papers that hhis appeal is not within the jurisdiction of this court; were that so, then the lower courts could enlarge their formidable powers to deny the right o be heard and the laws of the land would be in vain.

In the foot-note bootom of page 4, appellees allege that appellant had failed to to establish the crucial factual element.. Of course, with denials to present evidence to question def.-author, supporting documents denied for argument, pressure by the bench to end the mat er, to misinform the jury, and the long , long list of denials and prejducies, etc. appelle then bodly alleges that appellant failed to establsih copyright infringement.

Let i be noted that appellees never presented any argument on the issues and the issues were prevented to be presented in court. There is the common, prevalent belief that a human boey moves without regard to the pat erns it is movin g in, that he designs have no effect upon the workings of the body, as cited above and in aforesaid accounts by engineer who could not comprehend the application of theconcave curve to the body and the God breeder who could not remotely conceive of th4 angle of the pelvis principle applying to humanform as it does to animal form, so tnothing was taken as it was in fact becasue the facts were d3ied in court.

Appelles on page 6 allege that he questions raised as not o warrant further argument, tomove to affirm the decidion below on the gournd that he questions are insbustantial, etc.

What decsion below to affirm? None was made as appeal in Forma Pauperis was denied in the appeals couet and new evidence is denied in new action and no opinion given to the issues in the previous action. How can appelles have it all their own way? This is hardly the underlying raison d'etre of the courts and the laws of theland.

Appelles again call on the determination of the chief judge who had no facts before him, for neither did he provide any opinion

on any fact anymore than any other court did. No court resonded to he faets of the spinous processes in the reaction to initial desiGn, theopening in concave and clsoing in convex, that no system at any time in human history has ever used a concave form desiGn, that i is considered s slouch posture that is "Bad" for the body, that i rdflects the posutre of old aGe, that i is no a means of straiGhtening the body, that he anGle of the pelvis is involved in the desiGn and the pelvis is the fulcrum,etc.

Appelles dare to alleGe that there is no doubt hat 6he chief judGe is riGht in his determination; it's like sayinG that one human beinG has all the knowledGe in the world relevatn to theissues, to the new disovieries of the bod when the whole world and Nobel prizes are sɔuGht for new disocvieries of the :oyd, the most elusive of all human endeavor. Tbis is a Greá burden on the chief judGe who, had he the infomration, would assuredly not aGree with appelles that he is so riGht that he cannotr be woronG.

Appellees alleGe on paGe 6 that here is no reason to Grant anythinG, juridictional statement nor writ of ceriorari.

Appelles alleGe there is no conflict, no question, etc.

Appelles cite the fact that i is within the discretion of the Court where "special and important reasons thefɛrefor" exist, e c.

Stifle the innovator's effortsand human proGress isstilfed. Appellant was Given no due process, defendants make huGe profits on appellant's toil, ears, and huGe sacrices; this is hardly justice; unjustice is the theme that has been the springboard for establishinG a system of exertinG justice. Appellees would have this Court aid and abet injustice, to deny appeal, to deny due process, to deny the riGht to one's own works andfor social proGress.

Indeed, contrary to appellees' alleGation, therd has been huGe, mamoth deprture from the qccepted or usual course of judicial proceedinGs; they occurred throuGhout all proceedinGs, pre-trial and durinG trial. There is question of any law, state of federal, indenyinG due process, the riGht to beheard, and appellant hasnever been heard at any time on the issues.

There is inherent danger to all life to deprive the innovator without independent means of independent findings; none but hhe free can invent, and freedom is independente, and so aptly encaptured in our title of the DELCARATION OF INDEHE$IDHNG$CINDEPENDENCI

Appellant is unafiliated and retains the status, but has always cooperated with any organization seeking to add to their store of infomration and willing to make practical application. The attached examples of ceaseless efforts to bring the value of the original TENSION-in-REPOSE designs to hose professing to be intrested and utlizingthem. The results and effects have been consistent, without esception the same results repeated at will by those perdormins the original designs. No wonder defendants, allof them, took hem, but dared to name them as their own; appellant never withheld help and information, but makes strensous objection to the assutl upon theintegrity ofthe whole T-in-R program by the infringers, and so should any law-abiding Group and authority, but appellant's pro se status has been allowed to deter such proper judicial actions and opposition counsel have had an easy time of ti in allproceedings against the sole appellant without he power of money, norof influence from any quarter.

How much more harm can be meted out when all the world cries for some reprieve from idssonance and T-in-R heeds the cry with harmony within the wh9ole body. The burden must now pass along to his body of law, for appellant has not left q stone unturndd in behalf of human progress. D9c not let the usurpers have it all their own way, for the facts of truth do surface, they are as inexorable as the laws of nature upon which T-in-R is based, and when the facts of truth surface as theymust eventually, let it be said that this Court heard the plea for human welfare and justice.

CONCLUSION

The causes of action and reasons therefor are substantial and significant and demand this Court's Juridictional Statement.

Appellant respectfully rqquests that the original record be examined in addition to the submissions by appellant herein and previously, for it justifies the need to know the facts in their full merits heretofore denied at all times by all.

Dated: September 4, 1981
New York, N.Y.

Respectfully submitted,

Milicent Linden